



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/286,304 04/06/99 GIULIANI

J 7791-0071-25

022850 LM02/0922
OBLON SPIVAK MCCLELLAND MAIER & NUESTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

EXAMINER

POINVIL, F

ART UNIT

PAPER NUMBER

2768

DATE MAILED:

09/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/286,304

Applicant(s)

Giullani et al

Examiner

Frantzy Polnvi

Group Art Unit

2768



☒ Responsive to communication(s) filed on Jun 23, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 10-24 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2768

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton et al (US Patent No. 5,687,322).

As per claims 10 and 24, Deaton et al teaches a method and system for selective incentive point-of sale marketing in response to customer shopping histories. Note the abstract. The system of Deaton et al also comprises a storage means for storing incentive data and means for selecting incentive data from the storage means depending upon the purchase of a first item. Note column 69, lines 14-33. The purchase of a first item relates to the price of the first item. Deaton et al does not explicitly teach selecting incentive data based on the price of a second item. Deaton et al teaches providing incentive data based on a dollar amount and the number and type of items purchased. Note column 69, lines 35-46 and column 101, lines 39-59. It would have been also obvious to one of ordinary skill in the art at the time the invention was made to also select incentives based on the price of a second item in order to allow customer loyalty on purchasing a specific type of product as suggested by Deaton et al.

Art Unit: 2768

As per claims 11-13, Deaton et al discloses printing and dispensing coupons to the purchaser of the item. Note column 69, lines 14-46.

As per claim 14, Deaton et al teaches a customer may purchase one or more items. Deaton et al also teaches that their system provides inducement coupons that can be combined. Note column 74, lines 7-17 of Deaton et al. Moreover providing more than one incentive for a given purchased item is well known in the art. Auto dealers and car dealers usually give a manufacturer incentive or a cash rebate or an additional item that was an option so that a sales of an automobile may be finalized. The customer has the option to select one of the incentives. Doing the same in the system of Deaton et al would have been obvious to the skilled artisan in order to make the system attractive to different types of customers.

As per claim 15, selecting incentive data based upon a difference in price between the first and the second item would have been obvious to the skilled artisan because Deaton et al teaches providing incentive data based on dollar volumes.

As per claim 16, Deaton et al also discusses providing incentives in which purchased items are competitive items. Note column 69 lines 25-30.

Claims 17-23 contain limitations addressed in claims 10-16 respectively and therefore are rejected under a similar rationale.

3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is

Art Unit: 2768

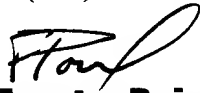
(703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

19Sep00


Frantzy Poinvil
Primary Examiner
Art Unit 2768